

(c) For properly sealed and certified shipments of shell eggs imported for breaking at an official egg products plant, the shipping containers need not be labeled, provided that the shipment is segregated and controlled upon arrival at the destination breaking plant.

(d) In the case of products which are not in compliance solely because of misbranding, such products may be brought into compliance with the regulations only under the supervision of an authorized representative of the Administrator.

[63 FR 69968, 69971, Dec. 17, 1998]

**§ 57.960 Small importations for consignee's personal use, display, or laboratory analysis.**

Any eggs which are offered for importation, exclusively for the consignee's personal use, display, or laboratory analysis, and not for sale or distribution; which is sound, healthful, wholesome, and fit for human food; and which is not adulterated and does not contain any substance not permitted by the Act or regulations, may be admitted into the United States without a foreign inspection certificate. Such product is not required to be inspected upon arrival in the United States and may be shipped to the consignee without further restriction under this part: *Provided*, That the Department may, with respect to any specific importation, require that the consignee certify that such product is exclusively for the consignee's personal use, display, or laboratory analysis and not for sale or distribution. The amount of such product imported shall not exceed 30-dozen shell eggs, unless otherwise authorized by the Administrator.

[63 FR 69968, 69971, Dec. 17, 1998]

**§ 57.965 Returned U.S. inspected and marked products; not importations.**

Products which have been inspected by the United States Department of Agriculture and so marked, and which are returned from foreign countries are not importations within the meaning of this part. Such returned shipments shall be reported to the Administrator by letter.

**§ 57.970 Charges for storage, cartage, and labor with respect to products imported contrary to the Act.**

All charges for storage, cartage, and labor with respect to any product which is imported contrary to this part shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such product and any other product thereafter imported under the Act by or for such owner or consignee.

**Subpart B—Rules of Practice Governing Proceedings Under the Egg Products Inspection Act**

SOURCE: 64 FR 40738, July 28, 1999, unless otherwise noted.

**SCOPE AND APPLICABILITY OF RULES OF PRACTICE**

**§ 57.1000 Administrative proceedings.**

(a) The Uniform Rules of Practice for the Department of Agriculture promulgated in subpart H of part 1, subtitle A, title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicating administrative proceedings under section 12(c) of the Egg Products Inspection Act (21 U.S.C. 1041).

(b) In addition to the proceedings set forth in paragraph (a) of this section, the Administrator, in his discretion, at any time prior to the issuance of a complaint seeking a civil penalty under the Act may enter into a stipulation with any person, in accordance with the following prescribed conditions:

(1) The Administrator gives notice of an apparent violation of the Act or the regulations issued thereunder by such person and affords such person an opportunity for a hearing regarding the matter as provided by the Act;

(2) Such person expressly waives hearing and agrees to a specified order including an agreement to pay a specified civil penalty within a designated time; and

(3) The Administrator agrees to accept the specified civil penalty in settlement of the particular matter involved if it is paid within the designated time.

(4) If the specified penalty is not paid within the time designated in such stipulation, the amount of the stipulated penalty shall not be relevant in any respect to the penalty that may be assessed after the institution of a formal administrative proceeding pursuant to the Uniform Rules of Practice, Subpart H, Part 1, Title 7, Code of Federal Regulations.

## **PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS<sup>1</sup>**

### **Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products**

#### **DEFINITIONS**

##### **Sec.**

- 58.1 Meaning of words.
- 58.2 Designation of official certificates, memoranda, marks, identifications, and devices for purpose of the Agricultural Marketing Act.

#### **ADMINISTRATION**

- 58.3 Authority.

#### **INSPECTION OR GRADING SERVICE**

- 58.4 Basis of service.
- 58.5 Where service is offered.
- 58.6 Supervision of service.
- 58.7 Who may obtain service.
- 58.8 How to make application.
- 58.9 Form of application.
- 58.10 Filing of application.
- 58.11 Approval of application.
- 58.12 When application may be rejected.
- 58.13 When application may be withdrawn.
- 58.14 Authority of applicant.
- 58.15 Accessibility and condition of product.
- 58.16 Disposition of samples.
- 58.17 Order of service.
- 58.18 Inspection or grading certificates, memoranda, or reports.
- 58.19 Issuance of inspection or grading certificates.
- 58.20 Disposition of inspection or grading certificates or reports.
- 58.21 Advance information.

<sup>1</sup>Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

#### **APPEAL INSPECTION OR GRADING AND REINSTATEMENT OF REGRADING**

- 58.22 When appeal inspection or grading may be requested.
- 58.23 How to obtain appeal inspection or grading.
- 58.24 Record of filing time.
- 58.25 When an application for appeal inspection or grading may be refused.
- 58.26 When an application for an appeal inspection or grading may be withdrawn.
- 58.27 Order in which appeal inspections or gradings are performed.
- 58.28 Who shall make appeal inspections or gradings.
- 58.29 Appeal inspection or grading certificate or report.
- 58.30 Application for reinspection or regrading.
- 58.31 Reinspection or regrading certificate or report.
- 58.32 Superseded certificates or reports.

#### **LICENSING OF INSPECTORS OR GRADERS**

- 58.33 Who may be licensed.
- 58.34 Suspension or revocation of license.
- 58.35 Surrender of license.
- 58.36 Identification.
- 58.37 Financial interest of licensees.

#### **FEES AND CHARGES**

- 58.38 Payment of fees and charges.
- 58.39 Fees for holiday or other nonworktime.
- 58.40 Fees for appeal inspection or grading.
- 58.41 Fees for additional copies of certificates.
- 58.42 Travel expenses and other charges.
- 58.43 Fees for inspection, grading, and sampling.
- 58.45 Fees for continuous resident services.
- 58.46 Fees for service performed under cooperative agreement.

#### **MARKING, BRANDING, AND IDENTIFYING PRODUCT**

- 58.49 Authority to use official identification.
- 58.50 Approval and form of official identification.
- 58.51 Information required on official identification.
- 58.52 Time limit for packaging inspected or graded products with official identification.

#### **PREREQUISITES TO PACKAGING PRODUCTS WITH OFFICIAL IDENTIFICATION**

- 58.53 Supervisor of packaging required.
- 58.54 Packing and packaging room and equipment.
- 58.55 Facilities for keeping quality samples.
- 58.56 Incubation of product samples.
- 58.57 Product not eligible for packaging with official identification.